

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**J. WAYNE JOHNSON, et al.,
Plaintiffs,**

v.

**BNC MORTGAGE INC., et al.,
Defendants.**

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**USDC 3:09-CV-1260-M (BK)
USCA 10-11062**

**ORDER REJECTING THE FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. Defendant Vericrest Financial, Inc. filed objections, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation. The objections are sustained, and the Court **REJECTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge. Plaintiff's motion for extension of time to appeal (Doc. #37), is **DENIED**. Plaintiff did not satisfy the standards for obtaining an extension – excusable neglect or good cause. He was in the hospital until September 7, but gives no explanation for why he did not file his notice by September 29, when due. His claim that he thought the mailbox rule applies to make his filing timely is without any legal basis and his pro se status does not excuse him from knowledge of the law. See *Birl v. Estelle*, 660 F. 2d 592 (5th Cir. 1981). Plaintiff's appeal is thus untimely.

SO ORDERED this 30th day of December, 2010.



BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS